

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Interview conducted with the Examiner:

Applicant's counsel conducted an interview with the Examiner on March 30, 2007 to discuss the declaration submitted on March 6, 2007. The Examiner indicated that the declaration did indeed contain the information that Applicant's counsel claimed it contained.

Prior Art Rejections:

Claims 10-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,067,528 to Breed et al. (hereinafter "Breed"). This rejection is respectfully traversed for at least the following reasons.

The instant invention is directed mainly towards a merger and acquisition brokering business entity that generates merger or acquisition proposals based upon information submitted by a candidate enterprise. To that extent, the independent claims recite a system with a "merger and acquisition brokering business entity terminal being further configured to generate a merger or acquisition proposal based on said non-public business information, said merger or acquisition proposal being a proposal that specifies terms for a merger or an acquisition related to said candidate enterprise." (Independent claim 1; similar language appears in independent claims 16 and 23.)

This is in contrast to Breed, which is mainly directed towards a system that allows interested parties to scope each other out while conveying veiled levels of information. The system of Breed does not generate merger or acquisition proposals; rather, it allows users to search for prospects and initiate communications, either through the system or through other means (i.e. fax). The Office refers to Figure 10A to teach the feature of the "merger and

acquisition brokering business entity terminal being further configured to generate a merger or acquisition proposal based on said non-public business information, said merger or acquisition proposal being a proposal that specifies terms for a merger or an acquisition related to said candidate enterprise.” Specifically, the Office asserts that the “system provides information based on required matching criteria/terms – revenue and geography.” (page 3, lines 11-12 of the Office Action). It is respectfully submitted that providing information about potential companies to merge or acquire, and generating a proposal that specifies the terms for a merger or acquisition related to a candidate enterprise are two very distinct concepts. Breed merely points out which companies may be suitable for a merger or acquisition based upon search terms entered by a user by displaying a market overview. There is no teaching or suggestion of creating a proposal for a specific company. Rather, as stated by Breed:

“As shown in FIG. 10A, market overview window 50, accessible through market window 30, includes main overview section 50a for displaying a market overview of listings within listings database 12c. The market overview graph within section 50a includes the three-variable SIC code on one access, revenue on a second access and various geographical icons. Also within the market overview window 50 are three range fields, SIC code, revenue range, and geography, for allowing a member to define and perform and active search strategy for companies displayed within the graph of section 50a.” (column 6, lines 31-41)

Another distinction brought out by this disclosure of Breed is the difference in interpretation of the word “term” by the Office. Utilizing search terms to display information about the market (with the potential of including information about specific companies in that market) is much different than creating the terms by which a merger or acquisition is performed. Thus, the usage of search terms in the Office’s rejection of the independent claims is not valid.

Thus, there is no teaching or suggestion, either in Fig. 10A, or in its corresponding disclosure in Breed, of generating a “merger or acquisition proposal based on said non-public

business information, said merger or acquisition proposal being a proposal that specifies terms for a merger or an acquisition related to said candidate enterprise.” In fact, Breed in its entirety does not contain, disclose, or teach this feature of the independent claims. If this rejection were to be maintained, the Office is respectfully requested to point out where these features are found in Breed.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. As mentioned above, Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

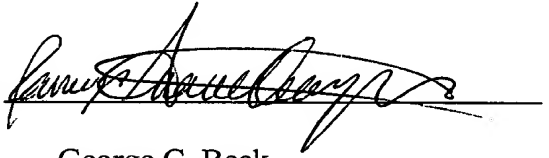
Date November 2, 2007

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 945-6059

Facsimile: (202) 672-5399

By 

George C. Beck

Attorney for Applicant

Registration No. 38,072

Ramya Ananthanarayanan

Agent for Applicant

Registration No. 59597